

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-670-D

KATHARINE ROYAL,

Plaintiff,

v.

RHUDY'S, INC.,

Defendant.

ORDER

On February 12, 2013, Katharine Royal ("Royal") filed an amended complaint asserting claims under Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181–89, against defendant Rhudy's, Inc. [D.E. 22]. Also on February 12, 2013, Rhudy's, Inc. filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(1), arguing that Royal lacks Article III standing [D.E. 23–24]. On February 26, 2013, Royal responded in opposition to the motion to dismiss [D.E. 25–26].

The court is very familiar with Article III's standing requirements and the governing standard. *See, e.g., Daniels v. Arcade, L.P.*, 477 F. App'x 125, 128–31 (4th Cir. 2012) (unpublished); *Payne v. Sears, Roebuck & Co.*, No. 5:11-CV-614-D, 2012 WL 1965389, at *2–3 (E.D.N.C. May 31, 2012) (unpublished). Assuming the allegations in the amended complaint to be true, Royal has alleged sufficient facts to establish standing. Accordingly, Rhudy's, Inc.'s motion to dismiss pursuant to Rule 12(b)(1) [D.E. 23] is DENIED.

SO ORDERED. This 9 day of April 2013.


JAMES C. DEVER III
Chief United States District Judge